

Hillel I. Parness

(Cell) 646-526-8261 • (Office) 212-447-5299 • (Fax) 646-722-3301
Parness Law Firm, PLLC • www.hiplaw.com • hip@hiplaw.com
136 Madison Avenue, 6th Floor • New York, New York 10016

June 28, 2018

VIA ECF

Hon. Richard J. Sullivan
U.S. District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Griffin, et al. v. Sheeran, et al., 1:17-cv-05221 (RJS) (AJP)
Structured Asset Sales, LLC v. Sheeran, et al., 1:18-cv-05839 (SDNY)
Griffin et al v. Sheeran et al., 18-1862 (2d Cir.)

Dear Judge Sullivan:

As you will recall, I am counsel to Structured Asset Sales, LLC ("SAS"), the beneficial owner of a one-third interest in the Townsend portion of the copyright in the musical composition "Let's Get it On." On May 11, 2018, SAS moved to intervene in the above-referenced *Griffin* action (ECF 43), and on June 11, 2018 you denied that motion (ECF 48). We have initiated an appeal of that decision to the Second Circuit (*see* Notice of Appeal at ECF 53), which we intend to pursue speedily.

To safeguard against the possibility that the decision on intervention will be affirmed, we have also initiated a new action for copyright infringement, which we have indicated is related to the *Griffin* action. A copy of the complaint in that action is attached here. As you will see, the SAS complaint goes into great detail as to SAS's reasons for alleging infringement between the two works. We are awaiting assignment of the case, potentially to Your Honor. Whether the SAS case is assigned to Your Honor or to another judge, we are writing to make the Court aware of it, and to make the Court aware that we intend to move forward with that case with all due haste.

We are also writing to advance the following alternative proposition to the Court and the parties in the name of judicial economy and efficiency, namely that the Court impose a short stay in the *Griffin* case, either on consent or *sua sponte*, for the lesser of (a) 120 days or (b) a decision on the appeal of the denial of the motion to intervene. The 120 day period (assuming the Second Circuit affirms) will give SAS the time that it needs to bring the SAS lawsuit to the same point as the *Griffin* lawsuit. SAS is prepared to designate its experts within the next two weeks, and to complete all fact and expert discovery within that 120 day period. We are

Hon. Richard J. Sullivan
June 28, 2018

aware that the plaintiffs in the *Griffin* case seek additional fact and expert discovery, and are appearing before Your Honor on June 29 to discuss those issues, which represents at least the possibility that discovery in the *Griffin* case is not closed at this point. We have conferred with plaintiffs' counsel, who supports this proposal.

Respectfully submitted,



Hillel I. Parness

Enclosure